

March 4, 2019

Dr. Vincent Price  
President  
Duke University  
Office of the President  
Box 90001

Re: Durham-Orange Light Rail Transit Project – Cooperative Agreement with Duke University

Dear President Price:

We are discouraged by Duke's decision not to sign a cooperative agreement with GoTriangle regarding the Durham-Orange Light-Rail Transit Project. As discussed previously, the purpose of the cooperative agreement is to establish a strong working relationship between Duke and GoTriangle so that we can resolve any issues including electromagnetic interference, vibration, utilities and liability that may arise during the remainder of design and throughout construction and operation.

The lack of a cooperative agreement with Duke creates significant challenges for the Light-Rail Project, effectively nullifying two decades of work. The most appropriate time to raise the issues noted in your February 27<sup>th</sup> letter was during the Environmental Impact Statement (EIS) process, which took place several years ago. Duke did not submit comments during this critical EIS process that determined the future alignment and investigated impacts such as electromagnetic interference (EMI), noise and vibrations. The Memorandum of Understanding between Duke and GoTriangle from December, 2016, after the Record of Decision (ROD) was issued is attached. That agreement committed Duke and GoTriangle to work cooperatively throughout planning, design and implementation. However, when information was requested from Duke in late 2017 and subsequently in 2018 in order to further study the potential for EMI, Duke did not provide the necessary data. Nonetheless, we remain hopeful that we can resolve differences and address Duke's concerns in such a manner that will allow this important infrastructure to move forward.

Although we believe many of the concerns expressed in your letter have been addressed, we would like to offer the following information that demonstrates the detailed work of our experts and consultant teams:

**Electromagnetic interference (EMI).** We do not believe it is clear that light rail will create EMI that will interfere with sensitive research devices. However, if it becomes clear through evidence, facts, and further study that light-rail operations will impact sensitive research devices, GoTriangle is committed to funding and implementing all appropriate mitigation measures. The cooperative agreement could lay the



foundation for a future agreement regarding the details of EMI monitoring and mitigation, similar to what has occurred in other areas of the country.

Please know that GoTriangle agrees that patient safety is the highest priority. We have not found evidence that mitigated EMI related to light-rail operations would interfere with current or future patient care. Although further study may indicate that EMI can affect sensitive research equipment, such as electron microscopes, cost-effective mitigation measures can be implemented. Magnetic field-canceling systems by many companies are readily available. EMI is created by a host of large moving metal objects such as the buses and trucks that operate on Erwin Road. EMI is also generated by sources of electric current, such as low-voltage power lines and the linear induction motors that powered Duke's Patient Rapid Transit from 1979 to 2009.

In summary, data that we have provided indicates that EMI is not new to Duke Hospital or other major hospitals in urban areas across the United States and we believe cost-effective mitigation exists for any impacts to sensitive research equipment.

**Vibration.** As previously discussed, we are committed to abiding by the same standards required of your current contractors. Further, we believe that the construction and operation of light rail, due to the proposed construction method, will have fewer vibration effects than the construction of other large scale projects in the area such as the new bed tower, which we understand may require large-scale excavation of rock.

The segmental box bridge structure was chosen in coordination with Duke officials because of its aesthetic appeal and the extent to which it will minimize impacts to strategic utilities and emergency access on Erwin Road. This type of structure also mitigates any vibration that may exist as a result of light-rail operations. The noise and vibration technical report in our most recent Supplemental Environmental Assessment indicates that "in the area along Erwin Road, the vibration levels are projected to be below the most stringent thresholds for sensitive equipment due to the effects of the elevated structure (which reduces vibration relative to at-grade operations)." We believe the most significant source of vibration coming from Erwin Road is and will likely always be traffic on the road itself.

**Potential disruption to power and other utilities.** GoTriangle remains committed to working with Duke University and Duke Energy to make utility relocation as efficient as possible. Due to careful coordination and planning, utility relocation will not jeopardize power to Duke campus, hospital, clinics, or laboratories. The utility relocation process will involve extensive planning, coordination, and safeguards to ensure continuous power supply to Duke facilities. GoTriangle is committed to working with you and Duke Energy to ensure power to the hospital and other Duke facilities remains uninterrupted. Our contractors will perform utility relocations, and it will be included in the budget for the

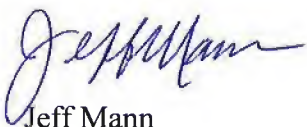


construction of the light rail, which means Duke will incur no cost at all. We have been unable to find any example of light-rail construction jeopardizing the supply of electricity to major hospitals or universities, but we are open to further discuss your concerns.

**Liability.** As a government entity – created by, funded by, and accountable to the people of this state GoTriangle may operate within legal constraints different from a private organization like Duke University. However, we purchase and maintain liability insurance to cover potential claims. GoTriangle's current bus operations are insured, and our coverages will increase substantially with the construction of light rail. Because we carry insurance, we are, and will remain, financially responsible for losses attributable to our actions. We cannot indemnify Duke for accidents that are not due to any fault or action of GoTriangle. We have offered to include Duke University as an additionally insured party on the liability insurance we purchase for potential incidents related to light rail.

GoTriangle remains committed to working closely with Duke University to execute the cooperative agreement so we can work together in good faith during the remainder of design and throughout construction to address any issues or concerns that may arise. Your letter indicates that additional time is needed to address your concerns. We invite you to enter into mediated negotiations together over the next four to six weeks to resolve remaining issues. You have our personal pledge that GoTriangle and its staff will be available to support these discussions. We agree that, together, we can be a force for even greater good, especially for communities that need access to jobs, affordable housing, education, and care.

Sincerely,



Jeff Mann  
President and CEO



Ellen Reckhow  
Chair, GoTriangle Board of Trustees

cc: A. Eugene Washington, President and CEO, Duke University Health System  
Tallman Trask III, Executive Vice President, Duke University



